

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

|                                      |   |                               |
|--------------------------------------|---|-------------------------------|
| JAMES RANDALL DUNCAN,                | ) |                               |
|                                      | ) |                               |
| Petitioner,                          | ) |                               |
|                                      | ) |                               |
| v.                                   | ) | Case No. 7:18-cv-1174-LSC-GMB |
|                                      | ) |                               |
| WARDEN JIMMY THOMAS, <i>et al.</i> , | ) |                               |
|                                      | ) |                               |
| Respondents.                         | ) |                               |

**MEMORANDUM OPINION**

The Magistrate Judge entered a report recommending Petitioner James Randall Duncan’s petition for a writ of habeas corpus be dismissed with prejudice. (Doc. 13). Although the Magistrate Judge advised the parties of their right to file objections within 14 days, the court has not received any objections in the prescribed time.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court hereby **ADOPTS** the Magistrate Judge’s report and **ACCEPTS** his recommendation. The court finds the petition is due to be denied and dismissed with prejudice.

This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims

debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Duncan’s claims do not satisfy either standard.

The court will enter a separate Final Judgment.

**DONE** and **ORDERED** on June 30, 2021.

A handwritten signature in black ink, appearing to read 'L. Scott Cogler', is written over a horizontal line.

L. Scott Cogler  
United States District Judge

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